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7 ROSALINA CALONGE,
8 Plaintiff,
9 v.
10 CITY OF SAN JOSE, et al.,
11 Defendants.
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Case No. 20-cv-07429-NC

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**SUPPLEMENTAL PRETRIAL
PREPARATION ORDER**

This order plans for the pretrial conference and jury trial.

- Prospective Juror Orientation Video. Here is a link to the 20-minute orientation video shown to prospective trial jurors in the Northern District of California: https://www.youtube.com/watch?v=uL8Ilg_okrU&t=1s. Jurors and the public can also find the link to this video, and answers to frequently asked questions, from the Court's web page under the "Jury" tab. If the parties have any objection to showing this video to prospective jurors in this case, they must make it at the Pretrial Conference.
- Prospective Juror Questionnaire. Prospective jurors will be sent the attached 26-question Survey Monkey Questionnaire (the District's current standard form) or an amended version. After discussion at the pretrial conference, the Court will consider adding questions to this questionnaire or providing a second juror questionnaire to be completed on the morning of April 7. The trial attorneys will be sent the responses to the first questionnaire in the week before jury selection. The Court may consider hardship challenges for prospective jurors in the week before

1 trial and will issue additional procedural guidance after the questionnaires are
2 received. The parties and their attorneys and agents are ordered not to contact any
3 of the prospective jurors. All juror survey responses must be returned or certified
4 destroyed within 30 days after the end of the case.

- 5 • Masking rules during trial. This trial will be held during a seasonal period when flu
6 and covid are typically at higher prevalence. Any participant may wear a protective
7 mask during trial if desired. It is preferred that testifying witnesses not wear a mask
8 while testifying. All participants should consider getting the latest vaccines so as to
9 mitigate the likelihood of a trial disruption or delay. If the parties have questions or
10 suggestions about conducting a safe and healthy trial, we will discuss them at the
11 Pretrial Conference.
- 12 • One attorney per side per task rule. Absent further Court order, each side must
13 select one attorney for each trial task. For example, a witness examination or
14 argument may not be divided between attorneys. Additionally, only the same
15 attorney who examines the witness will be allowed to object during the adversary's
16 examination of that witness.
- 17 • No additional filed motions during trial without meet and confer with opposing
18 counsel and leave of Court. Trial is not intended to be an ambush. If any party
19 wishes to file a written motion during trial, they must first meet and confer with the
20 opposing side and also receive leave of Court. Surprise motions filed in the middle
21 of the trial night are especially disfavored.
- 22 • What activities count toward permitted trial time? Upon the start of opening
23 statements, the trial clock will be running while Court is in session. The reading of
24 jury instructions and the jury instruction charging conferences do not count. You
25 will find it advantageous to resolve evidentiary and logistical issues and to focus
26 your presentations before you get here.
- 27 • No jury questions to witnesses contemplated. Given the likelihood of bifurcation
28 and the need for efficiency, the Court does not plan to allow the jury to question

witnesses. The Court will consider arguments on this issue at the pretrial conference.

- Witness interpreter? The Court saw reference to a witness who may need an interpreter. To be discussed at the pretrial conference.
- Trial schedule. Juror voir dire will begin April 7, 2025, at 9:30 a.m., although the Court will allow jurors to complete and the parties to review all juror written questionnaires before we begin the courtroom questions. The typical trial day will run from 9:30 a.m. to about 12:30 p.m. and about 1:30 p.m. to 4:30 p.m. No trial planned for April 16.
- Voir Dire. The Court will call approximately 20 jurors into the courtroom at a time until a jury of 8 is selected, with zero alternates. Each side will be allowed 20 minutes of voir dire per jury group. Each side gets 3 peremptory challenges total. The peremptory challenges do not carry over into subsequent rounds. Peremptory challenges will be processed in this sequence: Plaintiff; Defense; Defense; Plaintiff; Plaintiff; Defense. A party may pass. A pass counts as a peremptory strike. If the parties consecutively pass, the peremptory process ends and there will be no more peremptory strikes.

IT IS SO ORDERED.

Dated: March 17, 2025

NATHANAEL M. COUSINS
United States Magistrate Judge